IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON (LODG.) NO.1911 OF 2006

Sukesh S. Kotian & Ors. ..Petitioners.

V/s.

Indian Olympic Association & Anr. ..Respondents.

Mr.J.P.Cama, senior counsel with Mr.rshad Shaikh and Mahesh Londhe i/b. Sanjay Udeshi & Co. for petitioners.

Mr.Birendra Saraf with Hitesh Jain i/b. A.L.M.T. Legal for respondent No.1.

Mr.Rajiv Chavan with Ms.Anamika Malhotra for Union of India.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 10TH OCTOBER, 2006.

P.C. :-

. Heard Mr.Cama, senior counsel in support of the petition. Mr.Birendra Saraf appears for Indian Olympic Association and Mr.Rajiv Chavan appears for Union of India.

2. The interim orders dated 11th August, 2006 and 17th August, 2006 were passed in circumstances where the respondents could not remain present. The respondents thereafter filed a Notice of Motion for vacating the order dated 17th August, 2006 raising

various contentions.

3. In the meanwhile, as per the order dated 17th August, 2006 the players had already reached Colombo. Therefore, by an order dated 22nd August, 2006 the respondents were directed to facilitate the participation of the players in the Competition and the merits of the submissions were kept open.

4. We are happy to record that from amongst the candidates who participated, one candidate Ms.Sharmila Gharu won a gold medal and another one Mr.Anup Dethe won silver medal and 9 others have won bronze medals.

5. The Petition and Notice of Motion have now come up for admission. The parties are agreed that the Writ Petition itself may be disposed of. In that view, we observe that the orders passed earlier shall not be treated as concluding the issues raised in the petition. All contentions of the rival parties are kept open.

6. Accordingly, the petition is disposed of as under:-

a. The Notice of Motion No.535 of 2006 and the Writ Petition (L) No.1911 of 2006 are

disposed of leaving all contentions including the issue of jurisdiction of this Court open to be decided in appropriate proceedings.

b. The orders dated 11th August, 2006, 17th August, 2006 and 22nd August, 2006 passed in Writ Petition shall not be treated as concluding the rights or contention of any of the parties.

c. Counsel for respondent makes a statement that without in any manner accepting any contentions of the petitioners or recognising the faction which sponsored the players and without prejudice to all their rights and contentions, since the players have already participated in the competition, the respondents shall reimburse their expenses, including air-fare as may be permissible as per the existing guidelines / regulations on par with the players / officers who went to the SAF games 2006 at Colombo. The statement made is accepted.

d. Those amounts will be paid to the players / officials who had gone to participate in the

games. Payment will be made directly to them.

e. The 7th petitioner i.e. Association will give the names of the players and officials to the Indian Olympic Association and after checking the names, the payments would be made.

f. We make it clear that this order is based on the peculiar facts and circumstances of the case.

g. The payments will be released as expeditiously as possible preferably within 4 weeks. The Union of India will assist the Indian Olympic Association in releasing this payment at the earliest.

10. Petition stands disposed.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)